

Licensing Standards

From: Licensing Standards Officer

To: C. Grilli
Clerk to the Licensing Board

Date: 15th February 2024

Subject: LICENSING (SCOTLAND) ACT 2005

PREMISES LICENCE REVIEW

EL0131 - NEWBIGGING NEWSAGENTS, 58 NEWBIGGING, MUSSELBURGH, EAST
LoTHIAN, EH21 7AP

I make application in terms of Section 36(1) on the grounds specified in Section 36(3)(za), 36(3)(a) and 36(3)(b) of the Licensing (Scotland) Act 2005 to the East Lothian Licensing Board to review the Premises Licence in respect of the above premises.

I have prepared this report outlining information relevant to the review for the consideration of Licensing Board Members.

Licensing Standards Officer

Premises Licence Review Application

Premises Licence No. EL0131

Premises Address – Newbigging Newsagents, 58 Newbigging, Musselburgh, East Lothian, EH8 7AP

Premises Licence Holder - Mohammad Hanif [REDACTED]

On 11th November 2022, notification was received from police that the premises manager at Newbigging Newsagents, Abdul Nasar, died on 19th Oct 2022 (see Document 1). No notification was made to the Licensing Board by the premises licence holder that the premises manager had died within 7 days of the event as prescribed in section 54 of the Act.

This was discussed with the Clerk to the Licensing Board and Police and agreed that the procedural failings of the premises licence holder would be forgiven, and a 6 weeks grace period given to resolve the issue from 11/11/22 until 22/12/22. On 15th November 2022, I visited the premises where Mohammad Hanif, premises licence holder, was working alone in the premises. He seemed unaware that he is the premises licence holder and said that his brother (Abdul Nasar, deceased) dealt with all the licensing. He did not know where the premises licence was or that a new premises manager needed to be appointed. Processes were explained to him and the information was also sent in an email so that family members could help him. There were no staff training records on the premises, however, he stated that his brother had done the training with him and others and there were records somewhere that he would look for. Given the circumstances and that there had been no previous issues recorded with staff training, time was given to locate them. Information was sent in the email about training records and the mandatory 2 hours training from a personal licence holder (see Email Correspondence). On showing Mr Hanif a copy of the premises licence I had with me, he indicated that his address on the licence was incorrect. I explained that this needed to be changed and the procedure to do this.

On 23rd November 2022, I attended at the premises for a pre-arranged meeting with Mr Hanif and his daughter Zakia Hanif in relation to the death of the previous premises manager and working towards appointing a new premises manager. I offered this meeting to Mr Hanif so that a family member could be with him to assist. Ms Zakia Hanif spoke fluent English and confirmed she understood me. Full details were given in relation to completing a personal licence qualification, applying for a personal licence and then completing a minor variation. Further details and guidance were given on staff training. All details were emailed to Zakia Hanif and Mr Hanif. Zakia Hanif informed me that she would apply for a personal licence and hopefully take up the premises manager post. This was questioned at the time if she had the availability to do this as she worked full time in another job, however, she said she would be available to help with the management of the shop as it was a family business.

On 12th December 2022, I emailed Zakia Hanif to see if she had made any progress with an application for a personal licence and subsequent minor variation application. She informed me that no progress had been made and the course to complete the qualification had not been booked or completed. She was guided to complete the course and make an application for a personal licence as soon as possible.

As there had been no action by Mr Hanif or Zakia Hanif the circumstances were discussed with the Clerk to the Licensing Board, and he agreed that given the unexpected death of the premises manager, the premises would be given additional time to appoint a new premises manager and produce staff training records by 12th January 2023. It was discussed that should this deadline not be made, a section 14 notice should be issued to cease the sale of alcohol for breach of condition 4 and condition 6.

On 20th December 2022, I emailed the premises licence holder Mr Hanif and daughter Zakia and informed them of the extension given until 12th January 2023.

On 4th January 2023, I emailed Zakia Hanif for an update in relation to her obtaining a personal licence.

On 11th January 2023, I received an email that Zakia Hanif had failed the course exam, but that a resit was scheduled for 6pm on 12th January.

On 12th January 2023, I replied to Mr Hanif and Zakia as detailed in the email correspondence. I explained that I had spoken with the Clerk and that he was willing to see if she passed the course that evening and if successful some additional time may be given to submit an application for a personal licence. It was further explained that should she fail no further time would be granted and a section 14 compliance notice would be issued. The consequences of breaching the notice were also detailed. It was explained that a period of over 12 weeks had now been given, double the statutory period of grace. I asked that Zakia inform me of the result of the exam that evening. I received no update.

On 13th January 2023, a section 14 notice in relation to a breach of condition 4 – no premises manager and breach of condition 6 – staff training, was emailed and served at the premises to Mr Hanif who signed and accepted the notice (see Document 2). The terms of the notice were explained, and he intimated that he understood. He said that his daughter had let him down. It was explained as premises licence holder, that it was his responsibility to remedy the situation and no one else's. At this time Mr Hanif was instructed to cover all the alcohol in the shop and put up a sign to say that there were no alcohol sales. He said that he would comply. He was warned that failure to comply would result in an application for a premises licence review. He was guided to seek legal advice.

I later received an email from Zakia Hanif claiming she had IT issues logging into the exam and so it had been rescheduled till Monday 16th January. She was informed that the deadline had passed and that the section 14 notice had been issued.

On 7th February 2023, an email was sent to Mr Hanif asking of there had been any progress on appointing a new premises manager. Following this I received a voice mail from a female identifying herself as a cousin of Zakia Hanif and then a phone call from another female relative asking for a further extension. I was informed that Zakia Hanif had been in hospital [REDACTED] and so was unable to use it for her personal licence course. The female I spoke with on the phone was aggressive and she was informed that I would not be engaging with her in relation to the premises licence. I had no communication at this time from Mr Hanif.

On 13th February 2023, I emailed Mr Hanif again, detailing his responsibilities as premises licence holder. The potential outcomes of his lack of engagement and action were explained as well as all

the issues that needed to be corrected and dealt with. This included:

- a minor variation is granted to appoint a premises manager,
- mandatory 2 hour training of all staff is complete and training records are held on the premises,
- all required and statutory signage is displayed,
- the premises licence is held on the premises and a summary of the licence is displayed.

He was advised that should he not adhere a review application would be submitted for breach of premises licence conditions and on the grounds he is not a fit and proper person to hold a premises licence.

There was no response from Mr Hanif, however his daughter Zakia, emailed on 14th February to inform me that she had failed the first attempt at the course exam and the 2nd attempt was rescheduled due to IT issues, and she was required to re-sit a 3rd attempt that week. As she used Mr Hanif's email, I asked Mr Hanif to respond and nominate Zakia to speak on his behalf which he did not do.

As the section 14 notice had been issued and a request to cease all alcohol sales had been made further time was given to complete the qualification.

On 24th February 2023, I contacted Mr Hanif for an update and was informed again that Zakia was waiting on the exam.

On 28th February 2023, I tried to contact Mr Hanif/Zakia Hanif on the mobile number provided and there was no answer and so a further email was sent asking for an update.

On 28th March 2023, I attended in person at the premises to speak with Mr Hanif in relation to the lack of premises manager. The alcohol in the shop was covered so not on display. He stated that his daughter had been ill, and she had not yet completed the personal licence qualification. It was explained that he needed to act and get a premises manager appointed. He was asked why he did not obtain a personal licence himself, to which he replied he did not want to. I informed him that he needed to take ownership of the situation and reply to my emails. A family member replying for him was not suitable. He agreed and said that he would talk with his daughter tonight and email me with a response as to what course of action he would take. He did not complete this.

On 1st April I received another email from Zakia informing me she failed the 3rd attempt. She also informed me of [REDACTED]. She explained that her father did not understand the emails which concerned me. I replied detailing that it was Mr Hanif's responsibility to facilitate a solution. On 8th April 2023, she responded to say she would update me with progress.

On 18th April and 28th April 2023, I again emailed for an update. I received an email on 29th April from Zakia detailing that she had to reschedule the exam again as it was Ramadan.

On 16th June 2023, I emailed Mr Hanif again for an update and no reply was received.

The information that the premises had no premises manager was sent to police in January 2023 and they were asked to complete checks. I have no information on any checks being carried out.

As the section 14 notice remained in place it was discussed with the Clerk to allow further time for the premises licence holder to remedy the situation.

On 15th January 2024, I was sent information from a member of the public that on Saturday 13th January 2024, they had purchased 4 cans of stella from the premises and that alcohol was on sale to the public and on display.

On Wednesday 24th January 2024, I attended the premises accompanied by PC Wilson, Police Scotland Licensing Officer.

On entering the premises, we found Mr Hanif in sole control of the shop. All alcohol, which is in an area on the back and side wall behind the till was on display with no covers or signs to say that there were no sales of alcohol permitted (see photos 1-3). Mr Hanif was questioned as to why the alcohol was on display and he replied that he was just sorting the covers. There was no evidence of the covers or evidence of any new covers being put up. He was asked about the sale of alcohol and the sale that took place on 13th January. He said it was a mistake and then admitted that he had been selling alcohol. He did not detail when he recommenced the sale of alcohol. He informed me that his son, Omar Hanif, had been in the shop and sold alcohol. This was a further breach of 3 mandatory conditions (no premises manager – 4, authorisation of sales - 5 and staff training – 6) and failure to comply with the section 14 notice issued in January 2023 in relation to conditions 4 and 6.

He informed us that his daughter had told him that she passed the course and that he could sell alcohol. He blamed the whole situation on other family members. His complete lack of competence and understanding was seriously concerning to myself and PC Wilson. Again, the premises licence was not on the premises despite being asked to obtain a copy of the lost licence, there were no training records and signage was poor. PC Wilson informed Mr Hanif that the sales of alcohol were a criminal offence under Section 1 of the Licensing (Scotland) Act 2005, and to prevent him or others from committing any further offences, all alcohol was to be removed from the premises within 7 days and sales were to stop immediately. He was informed that should he make another sale he would be charged. I informed him that he had breached a statutory notice issued to him and that a review application would now be submitted to the Licensing Board. He was guided by both PC Wilson and I to seek legal advice from a suitably qualified solicitor.

Mr Hanif was asked if the CCTV in the shop was working and if we could view it. He claimed that it was working, although the screen that previously showed the cameras was off. He could not provide access to the system or any footage at all, despite telling me at earlier visits it was fully operational, recording and he could show the footage.

Following our visit, I was contacted by Zakia Hanif by email, informing me that she had not completed the personal licence qualification and had rebooked the exam, again asking for more time.

She was informed that the circumstances surrounding the premises licence would now be reported to the Licensing Board and guided to inform her father to seek legal advice.

I was informed that PC Wilson reattended at the shop in the following week where all alcohol had been removed.

It has also come to my attention following my visit on 24th January 2024, and a review of the premises layout plan (not available on the premises) that alcohol has been displayed out with the display area

on the layout plan and at an increased capacity than detailed in the operating plan. Alcohol had been displayed in the area shown in Photo 3 which on the layout plan should be for household items (see layout plan). This is a breach of mandatory condition 13 on the premises licence. Mr Hanif has since been notified of this breach.

At the time of writing, no action has been taken by Mr Hanif in respect of correcting the issues reported. To date no training records have been made available to review and there has been no application to replace the lost premises licence, change the premises licence holder's address or appoint a new premises manager.

The following conditions have been breached:

- Condition 4 – Premises Manager
- Condition 5 – Authorisation of sales of alcohol by premises manager or personal licence holder
- Condition 6 – Training of staff
- Condition 13 – Display, or promotion of the sale of alcohol for consumption off the premises

Fit and proper and conduct inconsistent with the licensing objectives

I have serious concerns in relation to the premises licence holder's ability and management of this premises and I ask the Board to consider if Mr Hanif is a fit and proper person to hold a premises licence. There have been several breaches of licence conditions and action was not taken to my satisfaction in relation to the Section 14 notice issued in relation to the premises manager and staff training. The reality is, that after a period, it was knowingly ignored, most likely in the hope that it wouldn't be checked. If alcohol sales were recommenced on the say of Mr Hanif's daughter, and Mr Hanif thought that this was suitable, it demonstrates his complete lack of knowledge and competence. The premises licence holder has been given over a year to remedy the issue with a significant amount of guidance given by myself. It is simply inappropriate and incompetent to shift this responsibility on to his daughter who also has not completed the actions she detailed she would. I do not believe that she is in any way knowledgeable enough or an appropriate person to be involved in the sale of alcohol at this premises.

There appears to have been and continues to be a mismanagement of the premises in other licensing aspects. The premises licence holder has himself, and allowed his son whilst working in the premises, to act in a manner inconsistent with the licensing objectives, especially preventing crime and disorder, protecting public safety, and protecting children and young persons from harm. They are both untrained members of staff and are not authorised to sell alcohol. They are not trained in safe sale, sale refusal, and an age verification policy. This is detrimental to the licensing objectives of protecting children and young persons from harm and protecting public health. The premises licence holder has run this premises with no regard for the law or the responsibilities required by him under the Licensing (Scotland) Act 2005.

The full circumstances that I have described, detail that this has not been a breach of a single condition, but multiple breaches of conditions and significant management failings by the premises licence holder Mr Hanif, to the detriment of the licensing objectives.

Mr Hanif has completely failed in his responsibilities as a premises licence holder and has demonstrated utter disregard and contempt for the law and the regulated industry that he works within.

Breaches of the premises licence were highlighted to him, and he was given an opportunity to remedy the breaches and issues in relation to the premises manager, staff training, address changes on the licence, lost premises licence and signage. He has chosen not to comply, and he has not given me a reason why.

I submit this review application and information for the Board's consideration.

Licensing Standards Officer

Document Pack

Premises Licence No. EL0131

Premises Address – Newbigging Newsagents, 58 Newbigging, Musselburgh, East Lothian, EH8 7AP

Document 1 – Notification of death – Abdul Nasar

Document 2 – Section 14 notice served 13th January 2023 - premises manager

Email Correspondence – Emails between Licensing Standards Officer, Mr Hanif and Ms Zakia Hanif

Photo's 1-3 – Alcohol on display in premises on 24th January 2024

Layout Plan – Plan detailing areas of alcohol display and capacity held by East Lothian Licensing Board.

KINGDOM OF MOROCCO

Region : **MRK- SAFI**
Prefecture /Province : **MRK**
District prefecture :
Communal District : **MRK**

CERTIFICATE OF DEATH

Death occurred on: **OCTOBER 19, 2022**

Name: **NASAR**

Prenome: **ABDUL**

CASA: **OCTOBER 21, 2022**

**LICENSING (SCOTLAND) ACT 2005
COMPLIANCE NOTICE UNDER SECTION 14**

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by Karen Harling a Licensing Standards Officer for East Lothian.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions to which the Premises Licence is subject outlined below. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to East Lothian Licensing Board for a review of the Premises Licence.

Premises Licence Holder & Licence No:	Mohammad Hanif, EL018
Premises Name and Address:	Newbigging Newsagents
Date & Time Notice Issued:	Friday 13 th January 2023
Premises Manager Details:	No Premises Manager
Manner of service:	E-mail and copy delivered by LSO to premises

Details of Breach of Condition and Remedy

*Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice.**

Condition(s)

Mandatory Condition 4 (1) Alcohol is not to be sold on the premises at any time when -

- (a) there is no premises manager in respect of the premises.

Mandatory Condition 6 (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person—

- (a) making sales of alcohol, or
- (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

(2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub-paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.

Breaches

- 1) On 19th October 2022 the premises manager Abdul Nasar was pronounced dead. No notification was made to the licensing board within 7 days. Notification of the death was sent by Police to the licensing board and received on 11th November 2022. Due to the circumstances the failure to notify the licensing board was relived and a 6 week grace period was given from the notification date 11/11/2022 until

* if you are uncertain about what action you need to take in relation to this notice you should seek legal advice from a qualified solicitor.

22/12/2022 to appoint a new premises manager. This was subsequently extended until 12th January 2023. As of 13th January a minor variation has not been received to appoint a new premises manager and as such there remains no premises manager.

- 2) On 15th Nov and 23rd November 2022 visits were made to the premises. During these visits no training records could be provided for any staff member and it was established there were no training records in existence. As there is no premises manager or personal licence holder training could not be provided.

Remedy

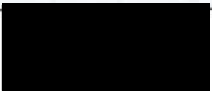
- 1) The premises is required to cease all sales and display of alcohol immediately until a new premises manager is appointed by way of a minor variation.

AND

- 2) The premises is required to cease all sales of alcohol by any staff member until they have received the 2 hour mandatory training by a personal licence holder or other appropriate person or hold a personal licence. A signed training record is to be held on the premises for inspection by the Licensing Standards Officer or Police.

REQUIREMENT TO COMPLY

With Immediate Effect:	YES
(or) Comply By:	Date: 13th January 2023

Licensing Standards Officer (Print Name & Signature)	Where served personally or left at premises Notice Received by (Print Name & Signature)
 Karen Harling Telephone : 01620 827478	Name..... Signature.....

Important Note

If this notice is not complied with within the specified timescale your Premises Licence will be subject of a review application in terms of Section 36 of The Licensing (Scotland) Act, 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act, 2005.

The range of options open to the Licensing Board include :

- (a) Issuing a written warning
- (b) Making a variation of the licence
- (c) Suspension of the licence for such a period as the Board may determine
- (d) Revoking the licence

Harling, Karen (Licensing)

From: Harling, Karen (Licensing)
Sent: 24 January 2024 12:33
To: Zakia Hanif
Cc: Wilson, Lee-2
Subject: RE: Newbigging Newsagents - Licensing Requirements and Guidance

Dear Ms Hanif,

I guide you, as I did your father, to seek legal advice on this matter from a suitably qualified solicitor. There is a formal process that will take place and they can give Mr Hanif legal advice.

Regards,

Karen

[Karen Harling](#)
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

Certified Carbon Literate



From: Zakia Hanif [REDACTED]
Sent: 24 January 2024 12:19
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Newbigging Newsagents - Licensing Requirements and Guidance

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Ok thanks

Is there a way I can get in touch with them ? Explain the circumstances?

Sent from my iPhone

On 24 Jan 2024, at 12:13, Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk> wrote:

Good afternoon Ms Hanif,

The circumstances concerning the premises licence at Newbigging News, held by Mr Mohammad Hanif, are for now for the Licensing Board to consider. All communication will now be with Mr Hanif or an agent such as a solicitor appointed by him.

Regards,

Karen

[Karen Harling](#)

Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)



From: Zakia Hanif [REDACTED]
Sent: 24 January 2024 11:58
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Newbigging Newsagents - Licensing Requirements and Guidance

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Hi Karen

Hope your well .

My dad rang me about the exam

I am very sorry I have rebooked it again as [REDACTED] I am the only one who can do the exam . I have rebooked it and plz if u can give me just few days . I can pass it and get it done .

Sent from my iPhone

On 13 Jan 2023, at 08:10, Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk> wrote:

Good morning,

Apologies the below email should read in relation to Mr Abdul Nasar and not Sadaf Hanif. My apologies again for the error.

Zakia do you have an update in relation to the exam yesterday?

Regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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From: Harling, Karen (Licensing)

Sent: 12 January 2023 17:13

To: [REDACTED]

Subject: FW: Newbigging Newsagents - Licensing Requirements and Guidance

Hi Zakia and Mohammad,

I have just had a call with Ali who said she was your cousin in relation to the licensing issues. She asked me for an extension and this was refused. Legally she has no link to the premises licence which I informed her of and I am unable to discuss anything further with her.

As it stands a significant amount of grace has been given in relation to the circumstances and the death Mr Sadaf Hanif.

As per the Licensing (Scotland) Act 2005 if the premise manager dies the licence holder must, no later than 7 days after the event notify the licensing board. If this is complied with then a grace period of 6 weeks is given to appoint a new premises manager who must hold a current personal licence by way of minor variation. If this is not complied with then alcohol sales must cease.

In this case notification was not made to the licensing board of the death and came via police through other channels. I understand that this was a difficult time for you and Mr Hanif and as such I agreed with the Clerk of the board that under the terms of section 135 of the Licensing (Scotland) Act 2005 that the failure to comply with the above would be relieved and that a grace period of 6 weeks would be started from the date that the licensing board received the information that the premises manager was deceased. As such a grace period of 6 weeks was granted until 22nd Dec 2022 in order to appoint a new premises manager.

I visited the premises on 15th November and spoke with Mr Hanif and again on 23rd November and spoke with you both at length in relation to the legal requirements to continue selling alcohol and the deadlines to be met.

On contacting you on 12th December 2022 you informed me that you had not complete a personal licence qualification. On your behalf I approached the board to have a further extension granted until 12th January 2023 to allow you time to complete the qualification and apply for a personal licence and submit a minor variation. This was also done in good will to allow you to trade over the festive period so as not to damage your business.

In total there has been a grace period now given of over 12 weeks. This is double the statutory grace period.

As per below if you do not pass the exam tonight then there will be no further extensions to allow the premises to make sales of alcohol. This has been discussed with the Clerk of the Board. Evidence must be provided that there is someone who is qualified and capable of being the premises manager which requires you or an alternative person to have a current personal licence and the premises licence holder Mr Hanif to submit a minor variation to appoint them.

I will be in tomorrow and will look for your update on the exam tonight

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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From: Harling, Karen (Licensing)

Sent: 12 January 2023 09:43

Subject: RE: Newbigging Newsagents - Licensing Requirements and Guidance

Hi Zakia and Mohammad,

Sorry to hear that you have been unable to complete the course. I have spoken to the Clerk of the Licensing Board and he is willing to wait to see if you pass the course tonight when you sit the exam.

Please could you let me know as soon as you find out if you have passed? Preferably, if possible straight after the exam so it can be reviewed tomorrow 13th January 2023.

If you pass the board is willing to grant you a further grace period to submit your personal licence application and minor variation to appoint you as premises manager as long as this is done swiftly.

Unfortunately, if you fail there will be no further extension to the time to appoint a new premises manager.

If this happens, I will have to serve notice to for the premises to cease all sales of alcohol and for it to be removed from display until the licence holder has appointed a premises manager by submission and grant of a minor variation.

I will deliver the notice to the premises and also email it to you both. I am happy for you to cover the alcohol with a shutter or cover of some type if you do not have a storage area to move it to.

Any further sales of alcohol after this time is a criminal offence. The police will be notified of the circumstances issue of the notice. If the notice is not complied with the premises licence will be subject of a review application in terms of Section 36 of the Licensing (Scotland) Act 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act 2005.

The range of options open to the Licensing Board include:

- Issue a written warning
- Make a variation of the licence
- Suspension of the licence for such a period as the board may determine
- Revoking the licence

Should notice be served to cease the sales of alcohol and you are unable to obtain a personal licence I urge and advise you to seek legal advice and assistance.

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

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Mob: 07774 435158

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From: Zakia Hanif [REDACTED]
Sent: 11 January 2023 23:29
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Newbigging Newsagents - Licensing Requirements and Guidance

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Hi I hope your well

I have failed the tests . I'm very sorry I tried my best but I didn't do well now I have to do it again Tommrow at 6pm .

Zakia

On 4 Jan 2023, at 13:08, Harling, Karen (Licensing)
<kharling1@eastlothian.gov.uk> wrote:

Hi Zakia,

I hope you are well.

Have you made any progress with the personal licence?

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435153

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From: Zakia Hanif [REDACTED]
Sent: 20 December 2022 15:34
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Newbigging Newsagents - Licensing Requirements and Guidance

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Thank you sooo much for this extension I am getting this done o really needed this extension you have saved me a lot of trouble I will get this done ASAP thank you and merry Xmas

Zakia

On 20 Dec 2022, at 08:41, Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk> wrote:

Good Morning,

I hope you are both well.

How are things going with getting the personal licence and the minor variation for a new premises manager?

As the original deadline to have the new premises manager was 22nd Dec 2022 I have approached the Clerk of the board on your behalf to ask for an extension to this.

Due to the circumstances he is happy to grant an extension until **12th Jan 2023** to have a new premises manager appointed. This means that you can sell alcohol until 12th Jan 2023 so as not to disrupt business over the Christmas period.

After 12th Jan however, no further extension will be given and you will need to appoint a premises manager. If no new manager is appointed you will need to stop the sale of alcohol from 13th January onwards until a minor variation is revived with a new premises manager.

Zakia, if you have not already done so, I urge you to complete the personal licence course and make an application for a personal licence. The licensing department is closed from 23rd Dec – 3rd Jan and so the application will not be processed until 4th Jan. Therefore, it is really important that you make the application before 3rd Jan so that it is there to be processed on the team's return.

If you are struggling with this I would advise you seek legal advice from a licensing agent or solicitor. I am afraid there is no further guidance I can give in my capacity.

I am now off until 4th Jan and so should you need any assistance with forms or application submission please contact the licensing team on licensing@eastlothian.gov.uk or 01620 827664.

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435153

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

From: Harling, Karen (Licensing)
Sent: 13 December 2022 09:59
To: 'Zakia Hanif' [REDACTED]
Subject: RE: Newbigging Newsagents - Licensing Requirements and Guidance

Hi Zakia,

Any of the courses below that I listed are accepted and the links are in the below email under the heading [Personal Licence to be obtained](#).

You are really short on time on this now as the deadline to get all of the below in place is 22nd Dec

otherwise the premises will need to cease the sale of alcohol.

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435153

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

From: Zakia Hanif [REDACTED]
Sent: 12 December 2022 17:19
To: Harling, Karen (Licensing)
<kharling1@eastlothian.gov.uk>
Subject: Re: Newbigging Newsagents - Licensing Requirements and Guidance

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Hi how are you
I am confused with Course to book ? Can you tell me which one to book please if you can send me a link
Thanks

Zakia

On 12 Dec 2022, at 10:31, Harling,
Karen (Licensing)
<kharling1@eastlothian.gov.uk>
wrote:

Hi Zakia,

I hope you are well. Just touching base with how things are going with the Personal Licence Course and certificate and getting the application for the personal licence in?

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435153

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

From: Harling, Karen (Licensing)
Sent: 23 November 2022 13:49

Subject: Newbigging Newsagents -
Licensing Requirements and
Guidance

Hi Zakia,

Thank you for meeting with me today and going through everything.

Below is all the information we talked about and what needs to be done in relation to the Newsagents.

Personal Licence to be obtained

When selling alcohol on licensed premises, the sale must be

authorised generally or specifically by a Personal Licence Holder. The designated premises manager must possess a personal licence. In many premises, other members of staff also attain personal licences so that they can also authorise sales, conduct staff training, and as a matter of general best practice.

Personal Licence Holders therefore have a vital job within the licensed trade. They authorise the sale of alcohol in both on and off sales businesses and ensure that each and every sale is legal. This is a considerable responsibility and, as such, Personal Licence Holders have two important obligations:-

1. They must undergo refresher training every 5 years to refresh their knowledge of the licensing regime, and send the training certificate to the relevant Licensing Board; and
2. They must apply to renew their personal licence every ten years, and lodge the renewal application no later than 3 months before expiry date of the licence.

To apply for a personal licence in Scotland you will need a **Scottish Certificate for Personal Licence Holders (SCPLH)** qualification. The Scottish Certificate for Personal Licence Holders (SCPLH) is the necessary training qualification that must be completed prior to applying for your licence in Scotland.

The providers below do an online course:

<https://cpltraining.co.uk/courses/2/scplh-scottish-certificate-for-personal-licence-holders>

<https://www.theslta.co.uk/plh-training/>

<https://biiab.co.uk/courses/> - select BIIAB Scottish Certificate for

Personal Licence Holders at SCQF Level 6 as the course and then select virtual as the type and search

Once you have completed the course and have the certificate you can apply for a personal licence. This is when you will need to complete the form I gave you and submit it with your certificate 2 passport sized photos (one needs to be certified as a true likeness by someone who knows you) and the fee of £50. – see <https://www.eastlothian.gov.uk/info/210571/licensing/12259/alcohol-licences/5> for guidance.

Minor Variation

Once you have obtained your personal licence a minor variation application can be made to add you as the premises manager and to change your Dad's address. This will need to come from your Dad as premises licence holder and have his signature on it. If you need help with this either contact myself or the licensing team.

Staff Training

Once you have your personal licence you will need to do the mandatory 2 hours staff training with all persons serving alcohol in the shop. This can be done using either of the below resources:

<https://products.highfieldqualifications.com/products/training-resources/licensing/level-6-scotland-licensing-questions>

Or the City and Guilds Workbook for Staff of Licensed Premises which can be ordered through Alcohol Focus Scotland here - <https://www.alcohol-focus-scotland.org.uk/training/licensing-training>

Licensing folder to be kept at premises

Once you have submitted the minor variation and are on the licence as premises manager it would be good to start a licensing folder to be kept at the shop. It should include

- The premises licence
- The layout plan
- Staff training records
- An age verification policy (I will get you one)

Also a refusals book should be started (I will get one and drop it off at the shop)

The Summary of Premises Licence that you will receive should be displayed as we discussed.

There is a lot of information here so if you have any questions or you are just not sure about something then call or email me and I will help. The crucial date is getting a new premises manager on the licence by 22nd Dec 2022.

Kind regards,

Karen

[Karen Harling](#)
Licensing Standards Officer
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435153

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent

Harling, Karen (Licensing)

From: Harling, Karen (Licensing)
Sent: 16 June 2023 15:43
To: Mohammad Hanif
Subject: RE: Premises Licence EL018 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

Good afternoon Mr Hanif and Zakia,

Have you progressed with completing the personal licence qualification?

Regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

Certified Carbon Literate



From: Mohammad Hanif [REDACTED]
Sent: 29 April 2023 01:08
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Premises Licence EL018 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

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Hi I had re book at it was Ramadan . So therefore it's booked and will hopefully pass . It was month of ramdhan I could not do
It then .

Thanks

Zakia

Sent from my iPhone

On 28 Apr 2023, at 10:29 am, Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk> wrote:

Hi Zakia and Mr Hanif,

Do you have any further update at all?

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478

Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

<image001.png>

From: Harling, Karen (Licensing)

Sent: 18 April 2023 10:00

To: 'Mohammad Hanif' [REDACTED]

Subject: RE: Premises Licence EL018 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

Hi Zakia,

Did you manage to pass the exam and complete the qualification on Thursday 6th April?

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services

John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum](#) | [East Lothian Council](#)

From: Mohammad Hanif [REDACTED]
Sent: 08 April 2023 16:42
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Premises Licence ELO18 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

Thanks you much and [REDACTED] I will you keep updated it's booked . And I pray it's passed this time . I will update soon As it's done when they send the results in

I really appreciate you help and ur understanding.
Many thanks

Zakia Hanif

Sent from my iPhone

On 4 Apr 2023, at 2:27 pm, Harling, Karen (Licensing)
<kharling1@eastlothian.gov.uk> wrote:

Hi Zakia,

Thank you for your email.

I understand that you have been unwell and I am sorry to hear that. It is however, your father's responsibility as premises licence holder to facilitate a solution and appoint a premises manager.

Please can you update me as soon as possible if you pass the exam on Thursday?

If you do not pass then your Father will need to consider an alternative solution and either employ another premises manager that holds a personal licence or become a personal licence holder himself. The premises manager should be involved in the day to day running of the shop and will be responsible for training staff and authorising sales of alcohol.

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

From: Mohammad Hanif [REDACTED]
Sent: 01 April 2023 20:46
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Premises Licence EL018 - Newbigging Newsagents - S14 Notice
Licensing Scotland Act 2005

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Hi Karen hope your well

I havd the exam the first 3 attempts I failed by 2-3 marks.now by Thursday I get to the results for the next one . So if you can bare with me please . As I had [REDACTED]

[REDACTED] that's why booking the exam was delayed . So if you just bare Thursday everything will be complete .

I really appreciate your help and time . As I am dealing with it all. As my dad dose not understand with emails etc

Many thanks
Zakia Mohammed daughter

Sent from my iPhone

On 28 Feb 2023, at 10:29 am, Harling, Karen (Licensing)
<kharling1@eastlothian.gov.uk> wrote:

Good morning,

I have tried the mobile number a few times and no answer. Please could you call me on 01620 827478.

Thanks,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum](#) | [East Lothian Council](#)

From: Mohammad Hanif [REDACTED]
Sent: 26 February 2023 16:01
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Premises Licence EL018 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

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Hi

I am waiting on the exam then it should be done . Here is my mobile number [REDACTED]
Many .

Thanks

Sent from my iPhone

On 24 Feb 2023, at 3:34 pm, Harling, Karen
(Licensing) <kharling1@eastlothian.gov.uk> wrote:

Good afternoon Mr Hanif,

I have not had a response from you in relation to
the below email I sent.

If you would like Zakia to talk on your behalf and
represent you then please can you let me know this
in writing (email is fine).

Please can you let me know by Monday February as
to any progression? A review application will be
started on Monday 27th Feb to be submitted to the
licensing board.

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

*Please note the LSO is not permitted to provide legal
advice and can only assist you with guidance as to
what is required under licensing legislation . It is
recommended that you consult with a licensing
agent or solicitor if you require legal advice on
matters.*

For additional guidance please see the East Lothian
Licensing and Forum Website - [East Lothian
Licensing Forum | East Lothian Council](#)

From: Mohammad Hanif

Sent: 14 February 2023 18:34

To: Harling, Karen (Licensing)
<kharling1@eastlothian.gov.uk>

Subject: Re: Premises Licence EL018 - Newbigging
Newsagents - S14 Notice Licensing Scotland Act
2005

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

The exam has been set as I failed the first attempts .
Then the 2nd had to be rescheduled due to
computer IT issue
It will be hopefully done this week

Many thanks

Zakia

Sent from my iPhone

On 13 Feb 2023, at 2:34 pm,
Harling, Karen (Licensing)
<kharling1@eastlothian.gov.uk>
wrote:

Dear Mr Hanif,

I have had no communication from
you following the emails below sent
on 7th February 2023.

As premises licence holder you are
the responsible person for the
licence and administrative duties
under the Licensing (Scotland) Act
2005. You are also ultimately
responsible for the activities and
actions that take place on the
premises and can be held
accountable of any offences
committed under the Licensing
(Scotland) Act 2005.

Communication with you is
therefore vital and as explained
below I will only be communicating
with you or a legal agent authorised
to act on your behalf.

A response from you in relation to
the situation at the premises where

there is no named premises manager is required.

As a result please see the following options and potential outcomes:

- 1) If no response is received from you by 12 noon Thursday 23rd Feb 2023, I will submit a premises licence review application to the Licensing Board with the recommendation that the premises licence is suspended until such time that all of the below are actioned:
 - a minor variation is granted to appoint a premises manager,
 - mandatory 2 hour training of all staff is complete and training records are held on the premises,
 - all required and statutory signage is displayed,
 - the premises licence is held on the premises and a summary of the licence is displayed.

The review application would be on the grounds that one or more of the conditions of the licence have been breached and the licence holder is not a fit and proper person.

- 2) If Ms Zakia Hanif passes her the exam and attains the Scottish Certificate for Personal Licence Holders qualification and thereafter submits a personal licence application to the licensing board by 12 noon Thursday 23rd Feb 2023, the section

14 notice issued on 13th January 2023 will stay in place until the following is actioned:

- a minor variation is granted to appoint a premises manager,
- mandatory 2 hour training of all staff is complete and training records are held on the premises,
- all required and statutory signage is displayed,
- the premises licence is held on the premises and a summary of the licence is displayed.

3) If Ms Hanif fails or does not sit her personal license exam and therefore does not attain the Scottish Certificate for Personal Licence Holders qualification, then we request that you provide details by 12 noon Thursday 23rd Feb 2023, that I and the Clerk to the Licensing Board are satisfied with as how you will resolve the situation which is different to Ms Zakia Hanif becoming premises manager. It is noted that this forthcoming exam will be her third scheduled time to sit the exam and East Lothian Licensing Board cannot wait for an indefinite period for her to attain the qualification and a personal licence.

If you require further clarification on the points set out I am happy to discuss this matter directly with you I look forward to receiving your response.

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

From: Harling, Karen (Licensing)
Sent: 07 February 2023 15:19

Cc: To: 'Lothian Scot Borders Licensing East Mid Lothian' (LothianScotBordersLicensingEastMid@Scotland.police.uk) <LothianScotBordersLicensingEastMid@Scotland.police.uk>
Subject: RE: Premises Licence EL018 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

Good afternoon Mr Hanif,

I have had a voice mail left for me by a lady identifying herself as Zakia Hanif's cousin, she did not give her name. I would like to make it clear that I will not be engaging in any communication in relation to the premises licence with anyone other

than yourself as premises licence holder.

You are the only one with any legal reason to communicate with. Any other family members that call will be informed of this and nothing will be discussed with them.

Assistance was given to Zakia Hanif in relation to the process of applying for a personal licence and there is no further information that I can give her.

I recommend that you consult with a licensing agent or solicitor if you require legal advice on matters.

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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For additional guidance please see the East Lothian Licensing and Forum Website - [East Lothian Licensing Forum | East Lothian Council](#)

From: Harling, Karen (Licensing)
Sent: 07 February 2023 10:39

Cc: To: 'Lothian Scot Borders

Licensing East Mid Lothian'
(LothianScotBordersLicensingEastM
id@Scotland.police.uk)
<LothianScotBordersLicensingEast
Mid@Scotland.police.uk>

Subject: RE: Premises Licence EL018
- Newbigging Newsagents - S14
Notice Licensing Scotland Act 2005

Dear Mr Hanif,

I hope you are well.

As you are aware a compliance
notice under S14 of The Licensing
Scotland Act 2005 was served to
you at the premises and by email
on 13th January 2023.

The Licensing Board has not
received an application for a minor
variation to appoint a new premise
manager to allow sales of alcohol to
be made.

Are you able to provide an update
in relation to this and how you
intend to move forward?

Kind regards,

Karen

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

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to provide legal advice and can only
assist you with guidance as to what
is required under licensing
legislation . It is recommended that
you consult with a licensing agent
or solicitor if you require legal
advice on matters.*

For additional guidance please see
the East Lothian Licensing and
Forum Website - [East Lothian
Licensing Forum | East Lothian
Council](#)

From: Harling, Karen (Licensing)
Sent: 13 January 2023 09:44


To: 'Lothian Scot Borders Licensing
East Mid Lothian'
(LothianScotBordersLicensingEastM
id@Scotland.police.uk)
<LothianScotBordersLicensingEast
Mid@Scotland.police.uk>
Subject: Premises Licence EL018 -
Newbigging Newsagents - S14
Notice Licensing Scotland Act 2005

Dear Mr Mohammad Hanif,

I have had no response from your
daughter Zakia Hanif or yourself in
relation to the her completing the
personal licence qualification this
morning following the re-sit of her
exam on 12th January 2023.

I therefore issue the attached
compliance notice under Section 14
The Licensing (Scotland) Act 2005.
This notice is to be complied with
immediately. I will also deliver the
notice to the premises this
morning.

I recommend you to seek legal
advice in relation to this.

Kind regards,

Karen

[Karen Harling](#)
Licensing Standards Officer
East Lothian Council
Licensing, Administration and
Democratic Services
John Muir House
Haddington
EH41 3HA

Harling, Karen (Licensing)

From: Harling, Karen (Licensing)
Sent: 13 January 2023 11:41
To: Zakia Hanif
Cc: Licensing (licensing@eastlothian.gov.uk)
Subject: RE: Premises Licence EL018 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

Hi Zakia,

I am afraid that time has run out in relation to this and the notice has been served. If you pass the exam on Monday please submit your application for a personal licence and once granted you father can submit an application for a minor variation to add you as the premises manager. There will be no alcohol sales permitted until the above is complete.

For help on applying please contact licensing@eastlothian.gov.uk or telephone 01620 827664.

Thanks,

Karen Harling
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

Tel: 01620 827478
Mob: 07774 435158

Please note the LSO is not permitted to provide legal advice and can only assist you with guidance as to what is required under licensing legislation . It is recommended that you consult with a licensing agent or solicitor if you require legal advice on matters.

From: Zakia Hanif [REDACTED]
Sent: 13 January 2023 10:23
To: Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk>
Subject: Re: Premises Licence EL018 - Newbigging Newsagents - S14 Notice Licensing Scotland Act 2005

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Hi

The exam is for Monday as I had issues logging in yesterday with my laptop I passed the log in time so therefore they have fixed the date for Monday at 6 now . As a reschedule.

Zakia

On 13 Jan 2023, at 09:43, Harling, Karen (Licensing) <kharling1@eastlothian.gov.uk> wrote:

Dear Mr Mohammad Hanif,

I have had no response from your daughter Zakia Hanif or yourself in relation to the her completing the personal licence qualification this morning following the re-sit of her exam on 12th January 2023.

I therefore issue the attached compliance notice under Section 14 The Licensing (Scotland) Act 2005. This notice is to be complied with immediately. I will also deliver the notice to the premises this morning.

I recommend you to seek legal advice in relation to this.

Kind regards,

Karen

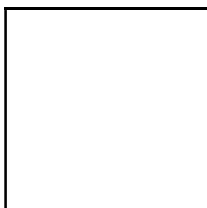
[Karen Harling](#)
Licensing Standards Officer
East Lothian Council
Licensing, Administration and Democratic Services
John Muir House
Haddington
EH41 3HA

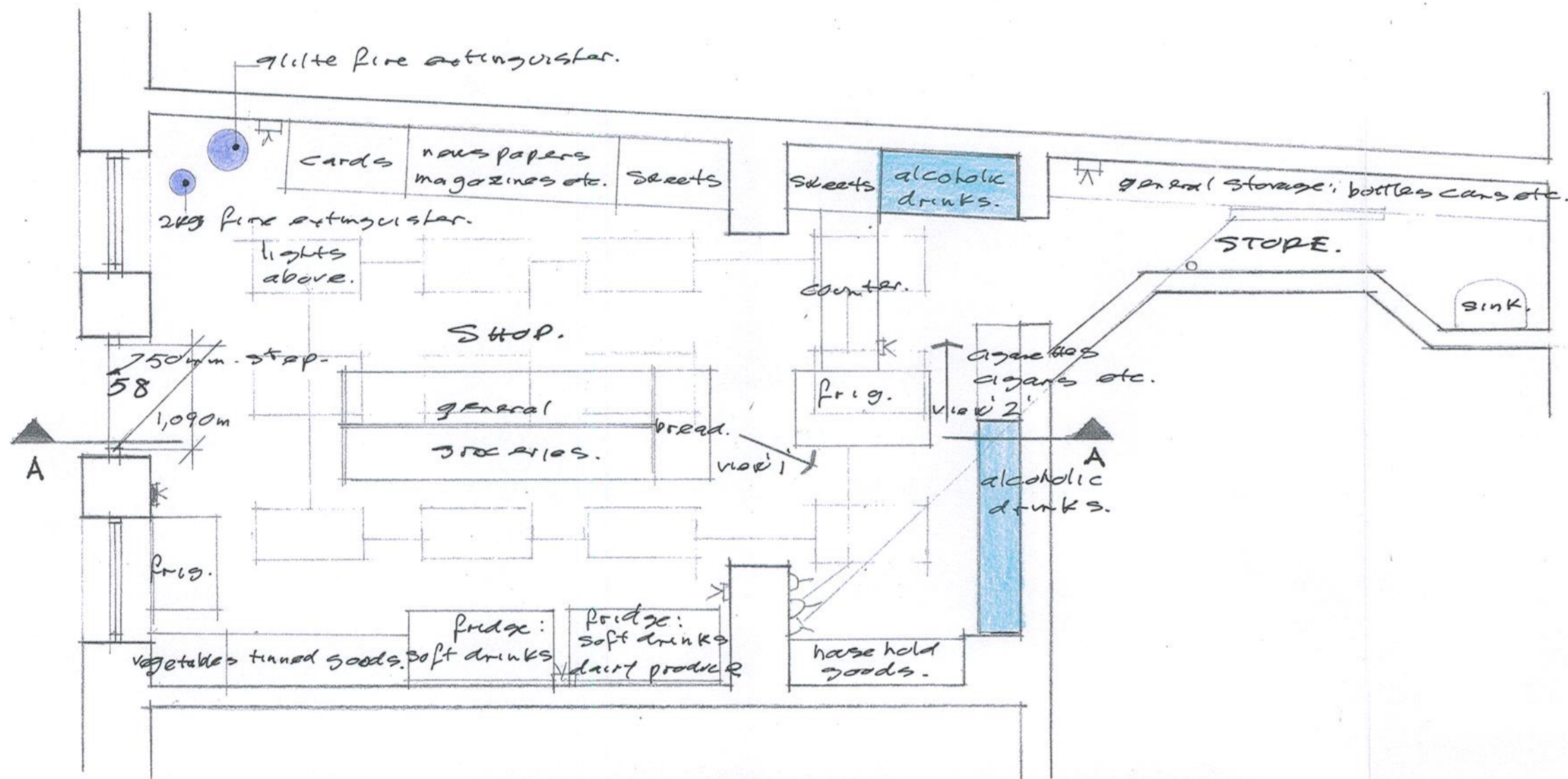
Tel: 01620 827478
Mob: 07774 435158

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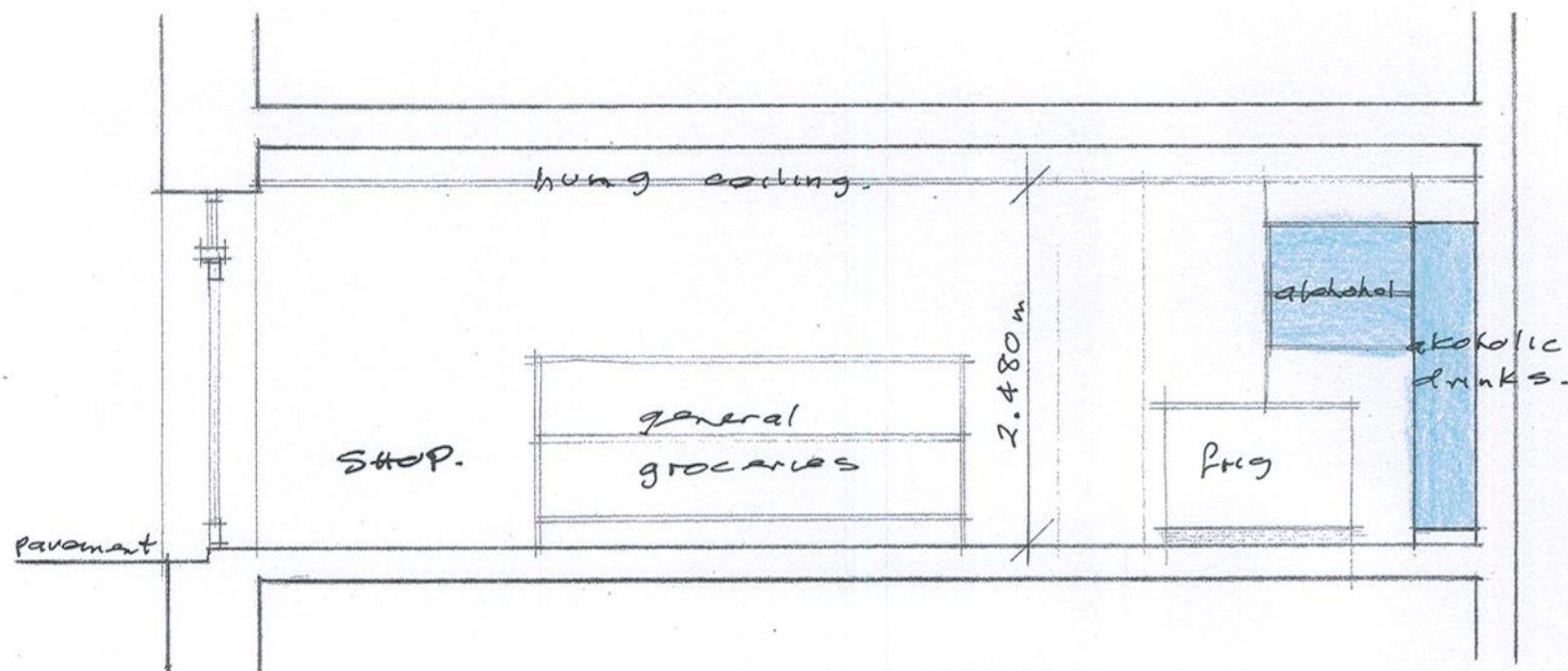
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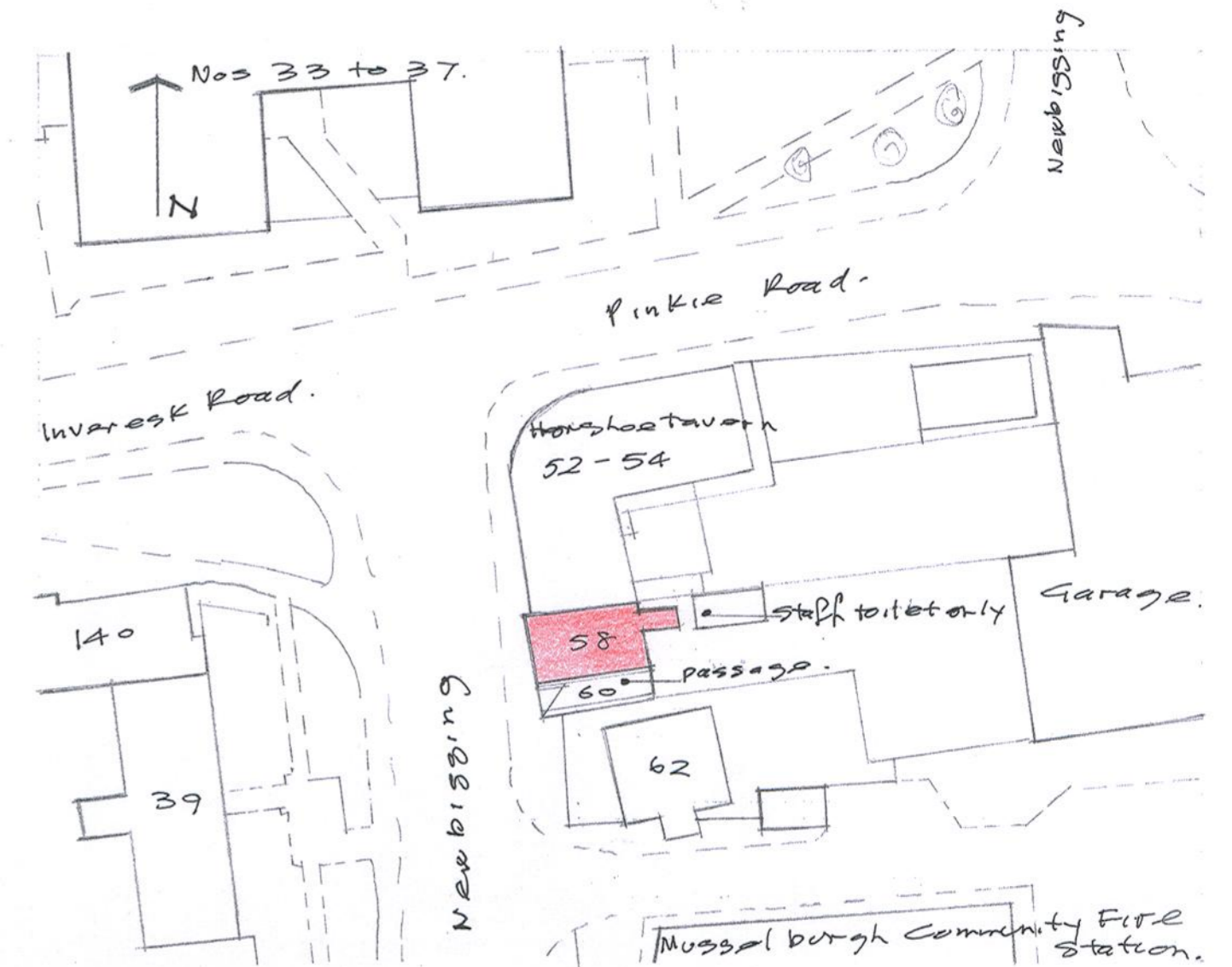




GROUND FLOOR PLAN Scale 1: 50.



SECTION A-A Scale 1: 50.



LOCATION PLAN Scale 1: 500.

Proposed Premises Licence application by MR. M. Khan, 16 Abarcorn Road, Edinburgh EH 8 7DJ, for premises at No 58 Newbigging, Musselburgh EH 21 7AJ. Reference to letter of 9 October 2007.

- 3a No outside drinking areas.
- b See Location Plan.
- c Entrance door is 1,090m.
- d There are no escape routes.
- e there is 1 - 9 litre fire extinguisher and 1 - 2kg fire extinguisher.
- f There are no steps or stairs or lifts.
- g There are no toilets on the premises; just one wash hand basin.
- h No area is set aside for children or young persons.
- (i) Children etc are only allowed in Shop up to counter area.
- 4(a) See Vgo Plan.
- (b) Displays of alcohol: length 2m height 2.4m & length 1.2m height 800mm.
- (c) there are no displays of alcohol outside referred to in (b).

EAST LoTHIAN LICENSING BOARD	
PLAN APPROVED	
REF.	ELO 18
K M Munkin	
CLERK	
DATE	01/09/2009

DRAWN BY:
 IONA GUNN ASSOCIATES,
 33 CORBIE HILL PLACE,
 EDINBURGH EH 4 5AX.
 Tel: 467-1664 : FAX 467-1664.
 MARCH 2008.
 DRG. No M.L.G. 2008/027.

LAYOUT PLAN

NEWBIGGING NEWSAGENTS

Photo 1 – Newbigging Newsagent 24/01/2024 Alcohol Display - Side Wall within display area.



Photo 2 – Newbigging Newsagent 24/01/2024 Alcohol Display - Back Wall within display area.



Photo 3 – Newbigging Newsagent 24/01/2024 Alcohol Display - Side Wall outwith display area.



East Lothian Council
Licensing

11 MAR 2024

Received

Mohammad Hanif



Dear Sir/Madam

John Muir House
Brewery Park
Haddington
EH41 3HA

British Heart Foundation
Confide and more at
bhf.org.uk/0317

delivered by Royal Mail
Ebnoburgh
Mail Centre
4400006

ROYAL MAIL

2

POSTAGE PAID GB
R05028

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Royal Mail
We were unable to deliver this item because

<input checked="" type="checkbox"/> addressee gone away	<input type="checkbox"/> refused
<input type="checkbox"/> address incomplete	<input type="checkbox"/> not called for
<input type="checkbox"/> address inaccessible	<input type="checkbox"/> no such address
<input type="checkbox"/> addressee unknown	

date 29/02/24 initials [redacted] P3960/9/1/302543

(35)

Licensing

From: Lothian Scot Borders Licensing East Mid Lothian
<LothianScotBordersLicensingEastMid@Scotland.police.uk>
Sent: 01 March 2024 12:25
To: Licensing
Subject: RE: EL0131 - Newbigging Newsagent - Premises Licence Review Application
[OFFICIAL: POLICE AND PARTNERS]
Attachments: Premises Licence Review - Newbigging News - Police Representation.docx

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL: POLICE AND PARTNERS

Good Afternoon,

Please find the attached comments / representation regarding the review of licence at Newbigging News, Musselburgh.

Kind Regards,

Lee Wilson
PC 12294 / J973
East Lothian Liquor & Civic Licensing Officer
Police Scotland | Dalkeith Police Station
0131 561 6136 // 07866219088

Email : lee.wilson2@scotland.police.uk
Website / Làrach-lìn: www.scotland.police.uk
Twitter: [@policescotland](https://twitter.com/policescotland)
Facebook: www.facebook.com/policescotland



From: Licensing <licensing@eastlothian.gov.uk>
Sent: Tuesday, February 27, 2024 3:35 PM
To: Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Lothian Scot Borders Licensing East Mid Lothian <LothianScotBordersLicensingEastMid@Scotland.police.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: FW: EL0131 - Newbigging Newsagent - Premises Licence Review Application

Hi

The above Premises is coming up for Review at East Lothian Licensng Board on Thursday 28th March, 2024. Do you have any comments/representations, can we have these by 14th March, 2024

OFFICIAL

Premises Licence Review

Newbigging Newsagents, Newbigging, Musselburgh, EH8 7AP

On the 15th of January 2024 I was contacted by the East Lothian licensing standards officer (LSO) Karen Harling regarding Newbigging News, Musselburgh. At this time, she informed me that she had received information regarding the sale of alcohol at the premises contrary to a Section 14 notice previously issued by her in January 2023.

On the 24th of January 2024 I attended at the premises with the LSO. At this time, Mr Mohammad Hanif, the premises licence holder, was alone working within the shop and alcohol was on display behind the till area. It appeared to me that this was on display for the purposes of being sold and there was no signage in place suggesting otherwise.

The reason for our visit was explained and Mr Hanif was initially defensive, denying selling alcohol, however he quickly changed his stance and indicated that alcohol was back on sale, though he did not state for how long. He provided that his daughter had told him she had passed her personal licence course and that the premises was again allowed to sell alcohol, which was not the case. Mr Hanif appeared apologetic and stated he had been let down by his daughter. Mr Hanif did not appear very knowledgeable at all regarding licensing laws and was unaware of several requirements surrounding training records, the premises licence, the need to apply for a new DPM, and other associated signage. It was later discovered by the LSO that some of the alcohol we observed on display was there contrary to the premises layout plan.

Both the LSO and I suggested to Mr Hanif that it may be in his best interest to seek assistance from a legal advisor to address the issues identified.

I informed Mr Hanif that should he continue to sell alcohol I may have to charge him with a criminal offence and to prevent this I requested he initially cover the alcohol with a view to removing it from display within the next 7 days.

I visited the premises the following week and the alcohol had been removed as requested. During this visit I again explained to Mr Hanif the issues he needed to address, the process of the review of his licence and possible outcomes of this, and again suggested he may wish to seek legal assistance.

Although Mr Hanif appeared apologetic and complied with my request to remove alcohol from display I am concerned that Mr Hanif does not appear to have taken any steps to remedy the issues identified highlighting either a lack of understanding or a lack of regard for the matter.

Overall I have concerns regarding Mr Hanif's current level of knowledge and understanding of licencing law, his ability to comply with his obligations within this, and his ability to effectively uphold the licensing objectives.

Licensing

From: Douglas, Andrew
Sent: 28 February 2024 09:19
To: Licensing
Subject: FW: EL0131 - Newbigging Newsagent - Premises Licence Review Application
Attachments: LSO Review Premises Licence - Newbigging Newsagents - 09022024.docx;
Document Pack - Review - Newbigging Newsagent - Feb 2024 (002).pdf

Good Morning Again,

My mistake as the FBO (Food Business Operator) has not changed. Mr. Hanif is the FBO for the business and, as such, the business does not need to register with us.

Therefore, I have no comments to make on this review.

Kind Regards

Andrew Douglas

Environmental Health Manager – Business Compliance
East Lothian Council John Muir House Court Street Haddington East Lothian EH41 3HA
Tel: 01620 827455 Fax: 01620 827918 Email adouglas@eastlothian.gov.uk



REHIS
Chartered Environmental Health Officer
2024

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: Tuesday, February 27, 2024 3:42 PM
To: Douglas, Andrew <adouglas@eastlothian.gov.uk>
Subject: FW: EL0131 - Newbigging Newsagent - Premises Licence Review Application

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Tuesday, February 27, 2024 3:35 PM
To: Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: FW: EL0131 - Newbigging Newsagent - Premises Licence Review Application

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Kind regards

Licensing

From: Trading Standards
Sent: 29 February 2024 08:41
To: Licensing
Subject: RE: EL0131 - Newbigging Newsagent - Premises Licence Review Application

No comments from TS.

Thanks

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Tuesday, February 27, 2024 3:35 PM
To: Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: FW: EL0131 - Newbigging Newsagent - Premises Licence Review Application

Hi

The above Premises is coming up for Review at East Lothian Licencing Board on Thursday 28th March, 2024. Do you have any comments/representations, can we have these by 14th March, 2024

Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

**Accredited
Paralegal**
Law Society of Scotland

Licensing

From: Robertson, Scott
Sent: 29 February 2024 13:49
To: Licensing
Subject: RE: EL0131 - Newbigging Newsagent - Premises Licence Review Application

Hello,

Please note I have no comments or objections in relation to this premise review.

Kind Regards
Scott

Scott Robertson | Assistant Planner – Development Control | East Lothian Council | John Muir House | Haddington
EH41 3HA
T. 01620 827585 | E.srobertson2@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk

From: Licensing <licensing@eastlothian.gov.uk>
Sent: Tuesday, February 27, 2024 3:35 PM
To: Fire (torquil.cramer@firescotland.gov.uk) <torquil.cramer@firescotland.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>; Environment Reception <environment@eastlothian.gov.uk>; Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>; Trading Standards <tradingstandards@eastlothian.gov.uk>
Subject: FW: EL0131 - Newbigging Newsagent - Premises Licence Review Application

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Kind regards

Gillian

Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk



Our Reference: CG/gh/EN/L/EL018

Date: 13th March 2024

Private & Confidential



Mohammad Hanif
Newbigging Newsagent
58 Newbigging
Lewisvale
Musselburgh
EH21 7AP

Carlo Grilli
CLERK OF THE LICENSING BOARD

John Muir House
Haddington
East Lothian
EH41 3HA
licensing@eastlothian.gov.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(za), 36(3(a) and 36(3)(b)
NOTIFICATION OF PREMISE REVIEW HEARING
MOHAMMAD HAMIF, NEWBIGGING NEWSAGENTS, 58 NEWBIGGING, LEWISVALE,
MUSSELBURGH, EH21 7AP**

Further to our letters and email of 27th February, 2024 regarding the above, I now enclose relevant reports from Police Scotland, Licensing Standards Officer and various other consultees.

The Review Hearing will be heard at the next meeting of the Licensing Board to be held virtually, by Remote Connect at 10.00am on **Thursday 28th March, 2024.**

You are entitled to attend the Hearing and the Board members may, but are not obliged to, invite you to give your views in respect of this matter. If you wish someone else to represent you at the Hearing, you will be required to provide a written mandate confirming that they are instructed to do so. You can provide that mandate to this office in advance of the Hearing.

A copy of the agenda will be sent to you in due course.

Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk

Licensing

From: Licensing
Sent: 13 March 2024 11:17
To: [REDACTED]
Subject: FW: Attached Image - Review of Newbigging Newsagents, 58 Newbigging, Lewisvale, Musselburgh
Attachments: Herkes_Gillian_QXM04806_FIREBIRD_1412_001.pdf

Good Morning

Further to our email and letters sent to you on 27th February, 2024. Please find attached reports from various departments regarding the Review. The Agenda and link for the meeting will be sent to you one week prior to the Licensing Board Meeting on Thursday 28th March, 2024.

Kind regards
Gillian
Gillian Herkes
Licensing Officer
Democratic & Licensing Services
John Muir House
Haddington
East Lothian Council
01620 820114
gherkes@eastlothian.gov.uk

-----Original Message-----

From: "Herkes, Gillian" <gherkes@eastlothian.gov.uk>
Sent: Wednesday, March 13, 2024 11:12 AM
To: Herkes, Gillian <gherkes@eastlothian.gov.uk>
Subject: Attached Image

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Our Reference: CG/gh/EN/L/EL018

Date: 27th February 2024

Private & Confidential

Mohammad Hanif
Newbigging Newsagent
58 Newbigging
Lewisvale
Musselburgh
EH21 7AP

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(za), 36(3(a) and 36(3)(b)
NOTIFICATION OF PREMISE REVIEW HEARING
MOHAMMAD HAMIF, NEWBIGGING NEWSAGENTS, 58 NEWBIGGING, LEWISVALE,
MUSSELBURGH, EH21 7AP**

The Licensing Board has received a request from the Licensing Standard Officer for a review of the **Premises Licence** noted above. The Licensing Board, has resolved to hold a review hearing, in terms of Section 36(3)(za), 36(3(a) and 36(3)(b) of the Licensing (Scotland) Act 2005, on the grounds one or more of the conditions to which the premises licence is subject to has been breached.

The Review Hearing will be heard at the next meeting of the Licensing Board to be held virtually, by Remote Connect at 10.00am on **Thursday 28th March, 2024.**

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The Licensing Board has asked Police Scotland, Fire Scotland, Environmental Health, Trading Standards, Planning to prepare a report into this matter for their consideration at the Hearing.

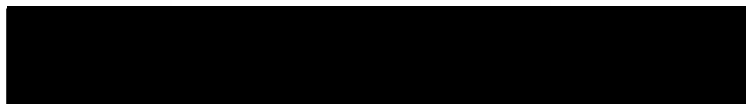
A copy of the report along with the board details and agenda will be sent to you in due course.

Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk

Also emailed to:-



Our Reference: CG/gh/EN/L/EL018

Date: 27th February 2024

Private & Confidential

Mohammad Hanif

Dear Sir/Madam

**LICENSING (SCOTLAND) ACT 2005 – SECTION 36(3)(za), 36(3(a) and 36(3)(b)
NOTIFICATION OF PREMISE REVIEW HEARING
MOHAMMAD HAMIF, NEWBIGGING NEWSAGENTS, 58 NEWBIGGING, LEWISVALE,
MUSSELBURGH, EH21 7AP**

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A copy of the report along with the board details and agenda will be sent to you in due course.

Yours sincerely

Carlo Grilli
Clerk to the Licensing Board

Direct Dial : 01620 827664
E-mail : licensing@eastlothian.gov.uk